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EXPRESS MAIL RECEIPT NO. ER782420037US  
DEPOSITED ON JANUARY 6, 2005

PATENT  
DKT. NO. OKC00041.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Jon D. Currier**  
Assignee: **LITTLE GIANT PUMP COMPANY**  
Application No.: **10/810,967** Group No.: **2832**  
Filed: **March 26, 2004** Examiner: **Michael A. Friedhofer**  
For: **LIQUID LEVEL ASSEMBLY WITH** Notice of Allowance mailed: **11/02/04**  
**DIAPHRAGM SEAL**

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

RESPONSE TO "NOTICE OF INFORMAL PATENT APPLICATION"  
(NOTICE OF ALLOWANCE MAILED)

1. A copy of the "NOTICE OF INFORMAL PATENT APPLICATION" mailed for this application on November 2, 2004 is attached.
2. In response to the requirements of the NOTICE applicant submits herewith:

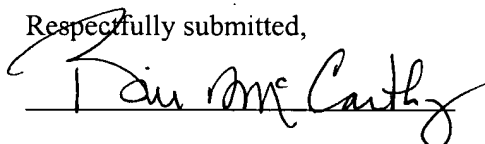
Supplemental Declaration (in compliance with 37 C.F.R. 1.67(a))

A duplicate of this paper is attached.

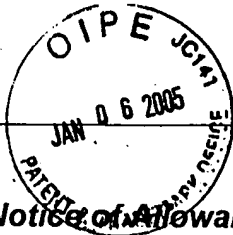
Other Enclosures:  
Acknowledgment postcard

Date: Jan. 6, 2005

Respectfully submitted,



Bill D. McCarthy, Registration No. 26,772  
Randall K. McCarthy, Registration No. 39,297  
Daniel P. Dooley, Registration No. 46,369  
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# **Notice of Allowability**

Application No.

10/810,967

Examiner

Michael A. Friedhofer

Applicant(s)

CURRIER, JON D.

Art Unit

2832

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_\_.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☒ The drawings filed on 26 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted:
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 1012
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**MICHAEL FRIEDHOFER  
PRIMARY EXAMINER**

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In claim 2, line 1 delete "assembly".

In claim 2, line 4 after "member;" insert --and--.

In claim 4, line 3 prior to "opening" insert --at least one--.

In claim 5, line 3 after "rims" insert --is--.

In claim 12, line 10 replace "diagram" with --diaphragm--.

In claim 12, line 12 replace "diagram" with --diaphragm--.

In claim 12, line 13 replace "diagram" with --diaphragm--.

In claim 12, line 14 replace "diagram" with --diaphragm--.

In claim 13, line 3 prior to "opening" insert --at least one--.

In claim 13, line 3 replace "internal" with --housing--.

In claim 13, line 3 replace "the lower" with --a lower--.

In claim 18, line 8 replace "diagram" with --diaphragm--.

In claim 18, line 9 replace "diagram" with --diaphragm--.

In claim 18, line 10 replace "diagram" with --diaphragm--.

In claim 19, line 2 after "about" with --the--.

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2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The oath does not include the continuation data referring to the parent application.

3. The following is an examiner's statement of reasons for allowance: The prior art does not teach or suggest a liquid lever assembly including a diaphragm seal having a center planar portion disposed to abut the switching means, a peripherally extending web portion, a flexible bellows portion connecting the planar portion and the peripheral web portion, and a plurality of knob members extending from the peripheral web portion disposed to press against the switching means.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A. Friedhofer whose telephone number is 571-272-1992. The examiner can normally be reached on Mon-Fri 6:00 - 2:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

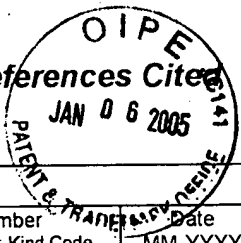
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael A. Friedhofer  
Primary Examiner  
Art Unit 2832

maf

**Notice of References Cited**



Application/Control No. 10/810,967		Applicant(s)/Patent Under Reexamination CURRIER, JON D.	
Examiner Michael A. Friedhofer		Art Unit 2832	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
X	A	US-4,260,862	04-1981	Orcutt, John W.	200/81R
X	B	US-5,471,022	11-1995	Kiss et al.	200/83B
X	C	US-5,661,278	08-1997	Atkinson et al.	200/83J
X	D	US-5,672,049	09-1997	Ciurlo, Ugo	417/44.1
X	E	US-5,744,770	04-1998	Moessinger et al.	200/83A
X	F	US-6,484,555	11-2002	Perry et al.	73/1.71
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

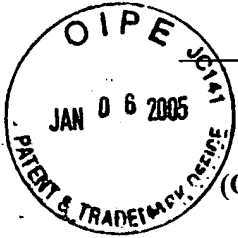
**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

EXPRESS MAIL RECEIPT NO. ER782420037US  
DEPOSITED ON JANUARY 6, 2005

*PATENT*  
DKT. NO. OKC00041.1



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**DECLARATION**

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION, OR C-I-P)

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As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is for a supplemental application.

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am an original, first and joint inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

LIQUID LEVEL ASSEMBLY WITH DIAPHRAGM SEAL

**SPECIFICATION IDENTIFICATION**

The specification was filed on March 26, 2004 as United States Application Number 10/810,967.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56.

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)**  
(35 U.S.C. Section 119(e))

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

**PROVISIONAL APPLICATION NUMBER**

60/458,478

**FILING DATE**

March 28, 2003

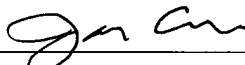
**DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**SIGNATURE(S)**

Jon D. Currier

**Inventor's signature:** \_\_\_\_\_



**Date:** 12/16/04

**Country of Citizenship:** USA

**Residence:** Edmond, OK

**Post Office Address:** 16712 Hardwood Place, Edmond, OK, 73003